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## **U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 20, 2018

BY ECF

Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

# **MEMO ENDORSED**

**Re:** United States v. Daniel Rivas,  
17 Cr. 492 (VEC)

Dear Judge Caproni:

As the Court is aware, in August 2017, Daniel Rivas, the defendant in the above-captioned, matter pleaded guilty to securities fraud and related offenses, pursuant to a cooperation agreement. A sentencing control date of October 1, 2018 is currently on the calendar. The Honorable Alison J. Nathan had set a September 10, 2018 trial date in *United States v. Michael Siva*, et al., 17 Cr. 503 (AJN), a five-defendant related case, at which Rivas was expected to testify at trial. To date, four of the five defendants have pleaded guilty and are scheduled to be sentenced in January 2019. The remaining defendant, Michael Siva, is scheduled to appear before Judge Nathan on October 3, 2018 for a status conference to update the Court on whether there will be a disposition or to request a new trial date. Counsel for Siva has indicated to the Government that his client intends to plead guilty. Accordingly, the Government expects that all of the defendants in this matter are likely to be sentenced by in or about February 2019. In light of the above, the Government respectfully requests that the Court set a date in or after March 2019 as the date for the sentencing of Rivas. The defendant consents to this request.

The sentencing control date of October 1, 2018 is adjourned *sine die*. The Government is directed to update this Court by October 5, 2018 whether Mr. Michael Siva has pleaded guilty and whether a sentencing date for Defendant Rivas is appropriate.

SO ORDERED. Date: 09/21/2018

Very Truly Yours,

GEOFFREY S. BERMAN  
United States Attorney

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

By: Ambiguity

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